

Supplementary Online Content

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eTable. Cases by Year, State, Method of Resolution, and Monetary Award

This supplementary material has been provided by the authors to give readers additional information about their work.

eTable 1. Cases by Year, State, Method of Resolution, Monetary Award

Case	Year	State	Court	Means of Resolution	Verdict	Award or Indemnity	Award Adjustment to 2015 USD	Intervention or Legal Allegation	Subspecialty	Diagnosis and Summary
1	1974	AZ	State District	Settlement	Plaintiff	\$285,000.00	\$1,377,688.84	Non-interventional	Retina	Retinal Detachment: An eleven-year-old patient allegedly suffered loss of vision after defendant's failure to diagnose retinal detachment.
2	1987	DE	State District	Bench Verdict	Defendant			Non-interventional	Retina	Retrolental fibroplasia: Plaintiff alleged that premature infant suffered unspecified injuries due to failure to diagnose and treat retrolental fibroplasia at early stage.
3	1993	VA	Federal Appeals	Appellate Ruling	Defendant			Non-interventional	Retina	ROP: Plaintiff alleged that failure to properly evaluate and treat infant's ROP led to blindness and that prompt cryotherapy would have saved patient's vision; however, no physician-patient relationship could be established.
4	1998	NY	State Appeals	Appellate Ruling	Defendant			Non-interventional	Retina	Retinoblastoma: Plaintiff alleged that defendant failed to warn parents of hereditary risk of retinoblastoma resulting in emotional and psychological damage.
5	1999	CA	State District	Settlement	Plaintiff	\$1,175,000	\$1,717,922.09	Non-interventional	Retina	ROP: Plaintiff alleged that infant patient suffered loss of vision due to retinal detachment secondary to failure to monitor patient for ROP.
6	2004	TX	State Appeals	Appellate Ruling	Defendant			Non-interventional	Retina	ROP: Plaintiff alleged that failure to diagnose infant patient's ROP resulted in vision loss; however, appellate court found that defendant's had no duty to ensure that hospital patient's follow up and that proximal cause of blindness could not be established.
7	2006	PA	State District	Jury Verdict	Plaintiff	\$20,000,000.00	\$23,863,008.13	Non-interventional	Retina	ROP: Plaintiff alleged that failure of defendant, who had an established physician-patient relationship with the infant and family, to ensure that patient returned for prompt follow up visit resulting in blindness. *Note: The ophthalmologist was found 4% liable and thus was responsible for only 4% of the \$20,000,000.
8	2006	NJ	State Appeals	Appellate Ruling	Plaintiff			Non-interventional	Retina	ROP: Plaintiff alleged that infant suffered blindness due to ROP after defendants' failure to promptly diagnose and treat infant's ROP and for minimization of the potential outcome of the infant's condition.
9	2008	FL	State District	Jury Verdict	Plaintiff	\$38,000,000.00	\$42,061,689.81	Non-interventional	Retina	ROP: Plaintiff alleged failure to promptly diagnose and treat ROP in twin premature boys resulted in blindness in both children. On examination by non-party ophthalmologist, patients had evidence of advanced ROP though defendant had stated that one of the boys had only stage I ROP and the other had no signs of ROP.

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10	2009	TX	State District	Jury Verdict	Defendant			Non-interventional	Retina	ROP: Plaintiff alleged that failure to properly diagnose and treat ROP led to loss of vision; however, physician-patient relationship and proximate cause of blindness could not be established.
11	2011	AL	State Supreme	Appellate Ruling	Plaintiff			Non-interventional	Retina	ROP: Plaintiff alleged carelessness in the scheduling of follow-up examinations by the physician himself led to blindness in premature infant.
12	2011	TX	State Appeals	Appellate Ruling	Plaintiff			Non-interventional	Retina	ROP: Plaintiff alleged blindness due to detached retina as a result of negligent treatment of ROP. Appeal affirmed the lower court's denial of defendant's motion to dismiss.
13	2012	TX	State Appeals	Appellate Ruling	Plaintiff			Non-interventional	Retina	ROP: Plaintiff alleged delay of treatment of premature infant's ROP resulted in loss of vision. Appeal related to legal issues unrelated to injuries.
14	2012	TX	State District	Jury Verdict	Defendant			Non-interventional	Retina	ROP: Plaintiff alleged that premature infant suffered blindness as a result of failure to schedule timely appointment for evaluation of infant's ROP, which was advanced at the time of initial visit due to scheduling conflicts. The defendants argued that they had no physician-patient relationship with the infant or family at the time of injury.
15	2014	TX	State Appeals	Appellate Ruling	Defendant			Non-interventional	Retina	ROP: Plaintiff alleged that premature infant suffered blindness due to failure to properly treat ROP; however, the court found that the proximate cause of the patient's blindness could not necessarily attributed to the defendants' negligence.
16	1975	NY	State Appeals	Appellate Ruling	Plaintiff			Surgical/Procedural	Traumatic	Foreign object removal: The appellate court reversed the lower court's decision to dismiss a case involving the plaintiff's allegation of lack of informed consent regarding the risks of removal of foreign object from the patient's eye resulting in eventual enucleation. Note: Case is yellow flagged in WestLaw.
17	1990	MA	State District	Jury Verdict	Plaintiff	\$531,000.00	\$968,215.73	Non-interventional	Traumatic	Endophthalmitis: Plaintiff alleged that delay of diagnosis of laceration resulted in endophthalmitis requiring enucleation.
18	1991	NY	State District	Jury Verdict	Defendant			Surgical/Procedural	Traumatic	Iris entrapment: Plaintiff alleged that failure to promptly treat and failure to removed iris incarceration during surgery on a nine-year-old patient for a corneal abrasion resulted in elevated IOP leading to glaucoma and vision loss.

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19	1992	PA	State District	Jury Verdict	Defendant			Non-interventional	Traumatic	Foreign object: Plaintiff alleged that failure of defendants to find and remove foreign objects from ten-year-old boy's eye after traumatic injury resulted in vision loss.
20	1992	MA	State District	Settlement	Plaintiff	\$240,000.00	\$407,668.14	Non-interventional	Traumatic	Retinal detachment: Plaintiff alleged loss of vision due to failure to diagnose retinal detachment following trauma, which had been misdiagnosed as iritis.
21	1994	MO	State District	Jury Verdict	Plaintiff	\$400,000.00	\$643,228.07	Surgical/Procedural	Traumatic	Foreign object: Plaintiff alleged that failure to properly remove foreign object from sixteen-year-old patient's eye resulted in retinal detachment and vision loss.
22	1995	PA	State District	Jury Verdict	Plaintiff	\$570,000.00	\$891,339.37	Surgical/Procedural	Traumatic	Orbital fracture: Plaintiff alleged that failure to release entrapped muscle following orbital fracture resulted in permanent eye movement restriction.
23	1997	CA	State District	Jury Verdict	Plaintiff	\$529,837.00	\$786,720.46	Non-interventional	Traumatic	Endophthalmitis: Plaintiff alleged that failure to detect penetrating trauma following injury resulted in endophthalmitis and loss of vision.
24	1997	IL	State District	Jury Verdict	Defendant			Non-interventional	Traumatic	Traumatic cataract: Plaintiff alleged that five-year-old patient suffered visual impairment after ocular trauma because defendant failed to promptly refer patient to cataract surgeon and instead treated inflammation only. The defense contended that regardless of the timing of the cataract surgery, the patient's would still have lost vision.
25	1998	NY	State Appeals	Appellate Ruling	Defendant			Non-interventional	Traumatic	Failure to examine: Plaintiff alleged that patient experienced unspecified eye injuries because the attending physician failed to examine the patient in person, rather than via telephone. Note: Case is yellow flagged in WestLaw.
26	2005	NY	State Appeals	Appellate Ruling	Defendant			Surgical/Procedural	Traumatic	Corneal laceration: Plaintiff alleged peripheral scarring of cornea, astigmatism, and amblyopia following surgery to repair lacerated cornea and failure to diagnose lacerated cornea following traumatic accident before iris prolapsed. This case is red flagged in WestLaw.
27	2006	MI	State District	Jury Verdict	Plaintiff	\$125,000.00	\$147,765.38	Non-interventional	Traumatic	Endophthalmitis: Plaintiff alleged that fifteen-year-old patient suffered blindness as a result of endophthalmitis secondary to traumatic ocular injury. Defense contended that endophthalmitis is rare and that the original injury was not penetrating.

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28	2007	IL	State District	Jury Verdict	Defendant			Non-interventional	Traumatic	Orbital fracture: Plaintiff alleged that fifteen-year-old patient suffered visual impairment and facial disfigurement following orbital fracture when the defendant failed to place a titanium plate, which required corrective surgery.
29	2012	TX	State District	Jury Verdict	Defendant			Surgical/Procedural	Traumatic	Muscle entrapment: Plaintiff alleged that seventeen-year-old patient experienced loss of superior gaze, decrease in downward gaze, and double vision from failure to release eye muscle from fracture site following orbital fracture.
30	2013	MS	Federal District	Pre-trial Motions	Plaintiff			Non-interventional	Traumatic	Corneal laceration: Plaintiff alleged that failure to promptly diagnose and surgical mistakes resulted in the minor patient losing vision after sustaining a full thickness corneal laceration from penetrating ocular trauma.
31	1979	NY	State District	Settlement	Plaintiff	\$750,000.00	\$2,461,942.15	Non-interventional	General	Unspecified injuries: Plaintiff alleged vision loss due to unspecified injuries.
32	1983	NY	State District	Jury Verdict	Plaintiff	\$2,250,000.00	\$5,383,644.58	Surgical/Procedural	General	Congenital cataract: Ten-month-old patient allegedly suffered loss of vision, loss of iris color, eye deformity, and secondary glaucoma as a result of multiple surgeries for his congenital cataracts.
33	1987	UT	State District	Jury Verdict	Defendant			Surgical/Procedural	General	Congenital cataract: Plaintiff alleged loss of vision in six-year-old patient resulted from failure to place intraocular lens promptly and instead waited two years.
34	1988	NY	State District	Jury Verdict	Defendant			Surgical/Procedural	General	Vitriol mass: Plaintiff alleged failure of defendant to remove posterior vitriol mass at time of cataract surgery resulted in blindness; however, the defense argued that removal of the mass may have also led to loss of vision.
35	1992	PA	State District	Jury Verdict	Plaintiff	\$520,000.00	\$883,280.97	Surgical/Procedural	General	Post-operative cataract: The plaintiff alleged that the seven-year-old patient developed a cataract as a result of damage during craniofacial surgery and permanent blindness due to retinal detachment while waiting to have cataract surgery.
36	1995	IL	State District	Settlement	Plaintiff	\$450,000.00	\$703,688.98	Non-interventional	General	Congenital cataract: Plaintiff alleged that infant patient suffered from blindness as a result of failure to diagnose and promptly treat congenital cataract.
37	2003	CA	State District	Jury Verdict	Defendant			Medical	General	Excessive atropine use: Plaintiff alleged that excessive atropine use for dilation caused hallucinations and brain damage.

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38	2003	MO	State District	Jury Verdict	Defendant			Surgical/Procedural	General	Subluxed lens: Patient suffered temporary loss of vision and retinal detachment due to failure of the defendant ophthalmologist to remove all cortical lens material and use of inappropriate surgical equipment in a surgery for a child with a subluxed lens. The jury found, however, in favor of the defendant, as the patient's vision acuity was better after retinal detachment repair than before the subluxed lens surgery and also because the defendant's argued that the patient's condition was related to the patient's underlying Marfan syndrome and not to physician negligence.
39	2008	NY	State District	Jury Verdict	Defendant			Surgical/Procedural	General	HypHEMA: Plaintiff alleged failure to properly treat hypHEMA in a two-year-old eventually leading to phthisis bulbi, resulting in vision loss.
40	1958	CA	State Appeals	Appellate Ruling	Defendant			Surgical/Procedural	Pediatrics	Congenital cataract: Appellate court upheld the lower court's resolution in favor of the defendant, affirming that the defendant had exercised appropriate care in the removal of a patient's congenital cataract, although the patient suffered loss of vision.
41	1968	NY	State Supreme	Appellate Ruling	Defendant			Medical	Pediatrics	Retrolental fibroplasia: Plaintiff alleged that twin infants were treated with an excess of oxygen causing blindness. The court affirmed that the defendants had treated the infant patients with oxygen appropriately.
42	1993	DC	State Appeals	Appellate Ruling	Plaintiff			Non-interventional	Pediatrics	Wrongful death: Plaintiff alleged failure to treat, diagnose, or refer patient resulting in death. Details are unclear.
43	2004	PA	State District	Settlement	Plaintiff	\$135,000.00	\$170,315.83	Surgical/Procedural	Pediatrics	Exotropia: The plaintiff alleged that following a wrong site surgery for exotropia, the defendant physician attempted to reverse the previous incorrect surgery, resulting in retinal damage and failure to correct the initial exotropia.
44	2006	MS	State Supreme	Appellate Ruling	Defendant			Surgical/Procedural	Pediatrics	Esotropia: Plaintiff alleged unnecessary esotropia surgery was performed since the patient was already blind; however, the surgery did correct the esotropia and neither the defendant nor the plaintiff knew the patient was blind at the time of the surgery.
45	2007	MA	State District	Jury Verdict	Plaintiff	\$1,000,000.00	\$1,149,386.04	Surgical/Procedural	Pediatrics	Endophthalmitis: Minor patient suffered blindness secondary to failure to diagnose and treat endophthalmitis following bilateral medial rectus surgery for amblyopia.

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46	2011	PA	State District	Jury Verdict	Plaintiff	\$1,249,000.00	\$1,323,277.35	Surgical/Procedural	Pediatrics	Incorrect staining agent: Eleven-month old allegedly suffered blindness, ptosis, corneal damage, cosmetic damage, and glaucoma after the incorrect staining agent (methylene blue vs. trypan blue) was used in surgery. Defendant's argued that the patient's eye condition resulted from her unspecified disease process and not the incorrect injection.
47	Unk	PA	State District	Jury Verdict	Defendant			Surgical/Procedural	Pediatrics	Duane's syndrome: A seventeen-year-old female with Duane's syndrome and her parents alleged lack of informed consent when the defendant altered the surgical procedure in the operating room resulting in vertical deviation of patient's eye.
48	1994	MO	State Supreme	Appellate Ruling	Plaintiff			Surgical/Procedural	Glaucoma	Endophthalmitis: Court reversed and remanded an earlier judgment in favor of the defendant due to failure of a juror to disclose history of lawsuits. In the case, the plaintiff alleged that the 10 year-old patient developed endophthalmitis resulting in blindness after the defendant performed glaucoma surgery while the patient had a "head cold"; however, the defense argued that the patient was not ill at the time of the surgery and that treatment of the post-operative infection was "timely and proper."
49	2002	MI	Federal District	Jury Verdict	Plaintiff	\$450,000.00	\$596,121.18	Non-interventional	Glaucoma	Post-traumatic glaucoma: The patient, who suffered from underlying sickle cell anemia, was hit in the eye. After blood was observed in the patient's eye, he was admitted to the hospital for observation. Although standard of care required regular intraocular pressure (IOP) checks, the defendant believed that the patient's corneal abrasion would make IOP checks painful. As a result of prolonged IOP elevation, the patient lost vision in his eye.
50	2008	NY	State District	Jury Verdict	Defendant			Non-interventional	Glaucoma	Congenital glaucoma: Plaintiff alleged the development of strabismus and amblyopia due to the defendants' failure to diagnose and treat the patient's congenital glaucoma. The defendants argued that the patient's condition was treated appropriately.

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51	2010	NY	State District	Jury Verdict	Defendant			Non-interventional	Glaucoma	Angle closure glaucoma: Plaintiff alleged that the minor patient's blindness resulted from the defendant's negligence in diagnosing and treating the patient's acute angle-closure glaucoma; however, the defense argued that the patient's injuries resulted from damage caused during a surgery performed by a non-party physician.
52	2013	MN	State District	Jury Verdict	Defendant			Non-interventional	Glaucoma	Glaucoma/cataract. Three-year-old patient suffered bilateral vision loss due to failure to properly treat and diagnosis the patient's bilateral glaucoma and unilateral cataract. The defense argued that the defendant ophthalmologist informed that patient's parents that they could seek a second opinion, but they failed to do so and no negligence was found.
53	2013	NY	State District	Settlement	Plaintiff	\$1,750,000.00	\$1,790,257.43	Surgical/Procedural	Glaucoma	Congenital glaucoma: A two-week old patient allegedly lost vision in both eyes due to damage to his optic nerves following the negligent performance of bilateral goniotomies in both eyes resulting from failure to monitor and control IOP during surgery.
54	1989	TN	State Appeals	Appellate Ruling	Defendant			Surgical/Procedural	Oculoplastic Surgery	Ptosis. Appellate court upheld the decision of the lower court in favor of the defendant in a case in which the plaintiff alleged ptosis following cyst excision. The plaintiff's claims were deemed to be spurious, as evidenced in the following except from the judge's statement: "The petition, otherwise philosophically splenetic, is denied at cost."
55	1992	MN	State District	Settlement	Plaintiff	\$5,000,000.00	\$8,493,086.24	Surgical/Procedural	Oculoplastic Surgery	Respiratory arrest. patient allegedly suffered static encephalopathy secondary to respiratory arrest during surgery for entropion. It was argued that given the 13 year-old patient's comorbidities of morbid obesity and sleep apnea, the surgery should have been performed on an inpatient basis.
56	1995	PA	State District	Jury Verdict	Defendant			Surgical/Procedural	Oculoplastic Surgery	Brain damage. Thirteen-year-old patient alleged that she suffered moderate brain damage from a fall in the recovery area after a sty removal; however, the defendant argued that the patient did not follow instructions to remain supine.

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57	1996	VA	State Supreme	Appellate Ruling	Defendant			Surgical/Procedural	Oculoplastic Surgery	Dermoid cyst. Minor patient allegedly suffered (1) recurrent scratched cornea and the development of dry eye following excision of lacrimal tissue along with a dermoid cyst, (2) misdiagnosis of dermoid cyst as dermolipoma, (3) failure of defendant to inform patient's mother that the surgery was only indicated for cosmetic reasons. The appellate court upheld the lower court's judgment for the defendant, affirming that the defendant had acted within the appropriate standard of care.
58	2013	PA	State District	Jury Verdict	Plaintiff	\$1,000,000.00	\$1,023,004.25	Surgical/Procedural	Oculoplastic Surgery	Steroid injection. An infant male with a capillary hemangioma was left with blindness, small pupil, and decrease iris color following excess steroid injection, which resulted in glaucoma. Defendant was also accused of practicing medicine under the influence of drugs.
59	2013	MI	State District	Settlement	Plaintiff	\$90,000.00	\$92,070.38	Surgical/Procedural	Oculoplastic Surgery	Dermoid cyst. Eight-year-old female was allegedly left with disfiguring facial scar for medically unnecessary cheek surgery, while the surgery that the patient's mother had consented to, a dermoid cyst removal, was not performed.
60	1964	CA	State Supreme	Appellate Ruling	Plaintiff			Surgical/Procedural	Neuro-ophthalmology	Cardiac arrest. Six-year old patient suffered paralysis, blindness, and other deficits following cardiac arrest under anesthesia for esotropia surgery. At the initial 1960 trial, the plaintiff was awarded \$3,244,498.48; however, the judgment was reversed notwithstanding the judgment for the plaintiff in appellate court in 1964.
61	1988	CA	State District	Jury Verdict	Plaintiff	\$100,000.00	\$201,450.55	Non-interventional	Neuro-ophthalmology	Optic neuritis. Defendant allegedly failed to diagnosis optic neuritis in nine-year-old patient resulting in decrease in visual acuity, visual field, depth and color perception.
62	1994	WI	State Supreme	Appellate Ruling	Plaintiff			Non-interventional	Neuro-ophthalmology	Brain tumor. Defendant allegedly failed to diagnose minor patient's brain tumor resulting in blindness. This case reversed a prior decision in favor of the defendant. The court ordered recalculation of damages and granted a new trial, the outcome of which is unknown.

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63	1987	FL	State District	Jury Verdict	Plaintiff	\$400,000.00	\$839,140.85	Non-interventional	Oncology	Orbital malignancy. Seventeen-year-old with history of "eye cancer" as a child alleged failure to promptly diagnose a malignant orbital tumor resulting in prognosis of 6 months to live at time of trial. Defendant argued that the patient's symptoms, including persistent headaches, did not warrant anything other than routine testing. Plaintiff was found fifty percent negligent for failing to solicit a second opinion.
64	1987	PA	State District	Post-trial Relief	Defendant			Non-interventional	Oncology	Retinoblastoma. A minor boy's mother alleged that failure to promptly diagnose retinoblastoma resulted in enucleation and loss of vision. In this post-trial relief, the court refused to reopen this case, affirming that there was no basis for the accusation of negligence against the defendant and shifted blame to the mother's non-compliance with appointments and with her failure to appear in court on numerous occasions.
65	2006	MI	State District	Jury Verdict	Plaintiff	\$425,000.00	\$502,402.28	Non-interventional	Oncology	Retinoblastoma. The defendant allegedly failed to diagnosis the minor patient's retinoblastoma resulting in enucleation and loss of vision. After viewing a television program about retinoblastoma, the child's parents became concerned about a white reflection in the child's eye. The defendant assured the parents that the child did not in fact have retinoblastoma, but another ophthalmologist diagnosed the tumor at a later date, at which time the tumor occupied 25% of the patient's eye. The retina was also detached and the eye was enucleated.
66	1978	CA	State District	Jury Verdict	Plaintiff	\$165,000.00	\$603,100.31	Non-interventional	Cornea	Keratitis. Two-month-old patient with keratitis allegedly misdiagnosed as acute conjunctivitis. Patient required several unsuccessful corneal transplants before losing vision in the eye.
67	1988	MO	State District	Jury Verdict	Defendant			Non-interventional	Cornea	Viral keratitis. Six-year-old patient was allegedly misdiagnosed with bacterial infection while in reality the patient presumably had viral keratitis. Patient suffered partial loss of vision, corneal scarring, and need for corneal transplant.

68	2001	PA	State Appeals	Appellate Ruling	Defendant			Non-interventional	Unknown	Endophthalmitis. One-year-old boy developed endophthalmitis following esotropia surgery. Patient's mother alleged neglect of infection resulting in enucleation and blindness.
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